

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
SEP 28 2007

CLERK

GERALD MILLER,

Petitioner,

-VS-

DOUGLAS WEBER,
Warden, SD State Penitentiary,

Respondent.

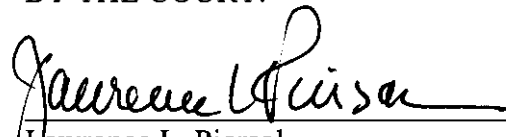
CIV 06-4083

JUDGMENT

The Court having entered its Order dismissing Petitioner's petition, it is hereby ORDERED, ADJUDGED and DECREED that Petitioner's application for writ of habeas corpus is dismissed, with prejudice, as untimely pursuant to 28 U.S.C. § 2244(d).

Dated this 28th day of September, 2007.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:
JOSEPH HAAS, CLERK

By: Lilly Margulies, Deputy
(SEAL)